

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.11954 of 2015

P.Gangadurai

[Petitioner]

Vs

- 1 The Government of Tamilnadu
Rep by its Secretary
Environment and Forest Department
Secretariat Chennai - 600 009.
 - 2 The Principal Chief Conservator of Forest
Having Office at
Panagal Maaligai Saidapet Chennai 600 015.
 - 3 The District Forest Officer
Thirupathur. Vellore
 - 4 The Accountant General of Tamil Nadu
Office at DMS Compound Teynamet
Chennai 600 018.
- Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot watcher on daily wage basis from 01/08/1981 till 14/10/2003 along with the regular service rendered by him as forest Watcher from 15/10/2003 till the date of his retirement namely 30/05/2014 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest)

O R D E R

With the consent of both sides, the Writ Petition itself is taken up for final disposal.

2. The petitioner was appointed as Plot Watcher on daily wage basis in the Forest Department on 01.08.1981. His services were regularised vide order dated 17.12.2004 and was brought into regular time scale of pay as Forest Watcher on 15.10.2003 after a period of 22 years of long service. The petitioner has come up with this writ petition seeking for a direction to the respondents 1 to 3 to count half of the service by the petitioner as Plot watcher on daily wage basis from 01/08/1981 till 14/10/2003 along with the regular service rendered by him as forest Watcher from 15/10/2003 till the date of his retirement namely 30/05/2014 as qualifying service and send the revised proposal to the fourth respondent and to grant pension to him with all consequential monetary benefits.

3. According to the petitioner, he was not paid pension, since, he did not render 10 years of regular service in the respondent Department. Further, the grievance of the petitioner is that half of the service rendered by him as Plot Watcher on daily wage basis was not taken into account along with his regular service as Forest Watcher till the date of his retirement on 30.05.2014 as qualifying service.

4. As per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, 50% of the contingency services will be taken into account for the purpose of pension, if the employee is subsequently absorbed in regular service. This Court had passed various orders on the above lines, and one such order was made in W.P.No.33732 of 2014 dated 19.12.2014 [R.Yuvaraj v. Government of Tamil Nadu, Rep. by Secretary to Government], wherein, this Court directed the respondents therein to count half of the service of the petitioner therein as Casual Labourer along with regular service for the purpose of pension. The order dated 19.12.2014 in the said W.P.No.33732 of 2014 is implemented by the Tamil Nadu Veterinary and Animal Sciences University by order dated 24.02.2015.

5. The learned counsel for the petitioner relied on a decision of this Court in W.P.No.8205 of 2011 dated 19.04.2011 [M.Gopal Vs. Government of Tamil Nadu, Rep. by Secretary to Government], which decision was confirmed by a Division Bench of this Court in W.A.No.27 and 28 of 2012 dated 13.02.2012 [Government of Tamil Nadu, Rep. By its Secretary to Govt., Vs. M.Gopal].

6. I am of the view that the said judgment is directly on this issue. Non-regularisation of the petitioner for the decades together is not on his default.

7. In these circumstances, the writ petition is disposed of, directing the respondents 1 to 3 to count half of the service of the petitioner as Plot Watcher on daily wage basis along with his regular service rendered as Forest Watcher as qualifying service for the purpose of pension. No costs.

rg

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary
Government of Tamilnadu
Environment and Forest Department
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Having Office at
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- 3 The District Forest Officer
Thirupathur. Vellore
- 4 The Accountant General of Tamil Nadu
Office at DMS Compound Teynamet
Chennai 600 018.

+ 1 cc to Mr.S.Mani, Advocate SR 23552

+ 1 cc to Spl.Govt.Pleader (Taxes) SR 22607

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